



September 28, 1999

Ms. Elizabeth Elam  
Taylor, Olson, Adkins, Sralla & Elam, L.L.P.  
500 Throckmorton Street  
3400 Bank One Tower  
Fort Worth, Texas 76102-3821

OR-2738

Dear Ms. Elam:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 128983.

The City of River Oaks (the "city") received a request for information concerning a criminal investigation of a child under the age of seventeen. You claim that the requested information is excepted from disclosure under section 552.101 of the Government Code in conjunction with section 58.007(c) of the Family Code. We have considered the exceptions you claim and reviewed the submitted information.

Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Section 552.101 encompasses confidentiality provisions such as Family Code section 58.007. Juvenile law enforcement records relating to conduct that occurred on or after September 1, 1997 are confidential under section 58.007. The relevant language of section 58.007(c) reads as follows:

(c) Except as provided by Subsection (d), law enforcement records and files concerning a child may not be disclosed to the public and shall be:

- (1) kept separate from adult files and records; and
- (2) maintained on a local basis only and not sent to a central state or federal depository, except as provided by Subchapter B.

The information at issue involves juvenile conduct that occurred after September 1, 1997.

It does not appear that any of the exceptions in section 58.007 apply; therefore, the requested information is confidential pursuant to section 58.007(c) of the Family Code. You must withhold the information from disclosure under section 552.101 of the Government Code.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,

A handwritten signature in black ink, appearing to read "Rose-Michel Munguía". The signature is fluid and cursive, with the first name "Rose" being more prominent.

Rose-Michel Munguía  
Assistant Attorney General  
Open Records Division

RMM\nc

Ref: 128983

cc: Ms. Anita Baker  
Star Telegram  
400 West Seventh Street  
Fort Worth, Texas 78102  
(w/o enclosures)